

Assembly Concurrent Resolution

No. 36

Introduced by Assembly Member Atkins
(Coauthors: Assembly Members Alejo and Chávez)
(Coauthors: Senators Roth and Wolk)

March 18, 2013

Assembly Concurrent Resolution No. 36—Relative to veterans.

LEGISLATIVE COUNSEL'S DIGEST

ACR 36, as introduced, Atkins. Veterans: treatment courts and treatment review calendars.

This measure would encourage all superior courts to consider establishing veterans treatment courts or veterans treatment review calendars to assist troubled veterans who have service-related mental health issues.

Fiscal committee: no.

1 WHEREAS, Historically, the State of California has honored
2 the noble sacrifices that members of the Armed Forces have made
3 to protect our freedoms by providing veterans and members of the
4 Armed Forces certain benefits and rehabilitative services; and
5 WHEREAS, California has the largest United States veteran
6 population in the nation, comprised of approximately 2 million
7 armed services veterans, which is 12.3 percent of the nationwide
8 veteran population of nearly 25 million veterans; and
9 WHEREAS, There are approximately 180,000 Operation
10 Enduring Freedom/ Operation Iraqi Freedom (OEF/OIF) theatre
11 veterans in California and 30,000 veterans are returning to
12 California each year; and

1 WHEREAS, Studies have shown that combat services may exact
2 a tremendous psychological toll on members of the Armed Forces
3 who are faced with the constant threat of death or injury over an
4 extended period of time; and

5 WHEREAS, Researchers have shown that a significant number
6 of the 1,600,000 members of the Armed Forces who have served
7 in Iraq or Afghanistan have, or will suffer from, as a result of their
8 military service, mental health injuries, such as post-traumatic
9 stress disorder, traumatic brain injury, depression, anxiety, and
10 acute stress; and

11 WHEREAS, Some studies have shown that as much as 20
12 percent of the United States veterans who served in Iraq and
13 Afghanistan are returning home with signs of post-traumatic stress
14 disorder or other mental illnesses. Traumatic brain injury often
15 accompanies post-traumatic stress disorder; and

16 WHEREAS, Both physical and mental combat-related injuries
17 often lead to the use of drugs and alcohol to cope with such injuries,
18 which often leads to encounters with the criminal justice system
19 that would not have otherwise occurred without the combat-related
20 injury; and

21 WHEREAS, The vast majority of returning members of the
22 Armed Forces do not have contact with the criminal justice system,
23 and most veterans and members of the military are well-adjusted,
24 contributing members of society, but psychiatrists and law
25 enforcement officials agree that combat-related injuries have led
26 to instances of these service members becoming involved with the
27 criminal justice system; and

28 WHEREAS, Recently, 12 percent of OIF/OEF veterans surveyed
29 reported criminal justice involvement beyond a minor traffic
30 violation. However, only 3 percent of veterans reported having
31 both knowledge of and access to veterans treatment courts, veterans
32 treatment review calendars, or diversion programs from prison
33 available pursuant to Section 1170.9 of the Penal Code; and

34 WHEREAS, A goal of veterans treatment courts and veterans
35 treatment review calendars is to reduce further criminal behavior.
36 This is done to keep troubled veterans out of prison, if they have
37 service-related mental health problems and they allege that the
38 criminal behavior resulted from these problems; and

39 WHEREAS, It is the purpose of veterans treatment courts and
40 veterans treatment review calendars in California to enhance public

1 safety by providing a judicially supervised regimen of treatment
2 intervention to serve involved veterans with unique mental health
3 conditions and other problems stemming from military service;
4 and

5 WHEREAS, As a grateful state, we must continue to honor the
6 military service of our men and women by attempting to provide
7 them with an alternative to incarceration when feasible, permitting
8 them instead to access proper treatment for mental health and
9 substance abuse problems resulting from military service; and

10 WHEREAS, The Legislature finds that it is in the best interests
11 of California citizens to assist veterans and members of the Armed
12 Forces involved in the criminal justice system who have a
13 military-related injury. In order to achieve this end, the Legislature
14 has encouraged the establishment of veterans treatment courts and
15 veterans treatment review calendars to address the unique
16 challenges veterans face as a result of their honorable service.
17 Currently there are 13 counties in California with operational
18 veterans treatment courts or veterans treatment review calendars;
19 now, therefore, be it

20 *Resolved by the Assembly of the State of California, the Senate*
21 *thereof concurring*, That the Legislature is not seeking to impart
22 mandates that would stifle innovation, but instead intends to
23 promote a framework within which the superior court in each
24 county has the flexibility to develop a constructive model that
25 works best locally to achieve positive outcomes; and be it further

26 *Resolved*, That the Legislature encourages all superior courts
27 to consider establishing veterans treatment courts or veterans
28 treatment review calendars within their jurisdictions to assist
29 troubled veterans who have service-related mental health issues
30 to turn their lives around by identifying them, assessing their needs,
31 connecting them with needed services, and managing their care;
32 and be it further

33 *Resolved*, That the Chief Clerk of the Assembly transmit copies
34 of this resolution to the author for appropriate distribution.

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